REMARKS

This amendment responds to the Final Office Action mailed on May 12, 2009.

The applicant has canceled dependent claims 26, 32, 38, and 43.

The Examiner rejected claims 26 and 35-45 under 35 U.S.C. § 112, second paragraph as a being indefinite. Claims 26 and 38 have been canceled. With respect to claim 36, the Examiner alleges that the limitation of "said contiguous sequence" has no antecedent. The applicant believes that the Examiner is referring to independent claim 35, as claim 36 does not recite this term. Moreover, independent claim 35, from which each of claims 36-45 respectively depends, recites in the preamble the limitation of a "method of transmitting a contiguous sequence of data." Thus, the further recitation of "said contiguous sequence" has a proper antecedent, and the applicant respectfully requests that the Examiner withdraw the foregoing rejection of claims 35-37 and 39-45 under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 23-25, 27, 29, 33, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Gvozdanovic et al., U.S. Patent No. 6,660,720 in view of Natarajan et al., U.S. Patent No. 5,742,594, and in further view of Fang, U.S. Patent Application Pub. NO. 2007/0064722. The Examiner rejected each of claims 28 and 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over respective combinations, each citing Gvozdanovic, Natarajan, and Fang as the primary, secondary, and tertiary references respectively.

Independent claim 23, from which each of claims 24, 25, and 27-31, 33, and 34 each respectively depend, has been amended to recite the limitation of "estimating the bandwidth of said wireless interconnection based on respective arrival times, at said receiver, of only those ones of said first plurality of packets for presentation to said viewer at said receiver that are included in said second plurality of packets. This limitation is not obvious in view of the cited prior art. In particular, the primary reference Gvozdanovic discloses that an application that transmits audio in a bitstream over a network may have various *constraints* imposed on that bitstream, including a

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limit on the long-term and short-term average transmission rates of data packets in the bitstream. Because Gvozdanovic defines an average and maximum rate of transmission as limits, and discloses no protocol for actually transmitting any defined set of packets at either of those defined bitrates, then that reference cannot be deemed to disclose the limitation quoted above. Furthermore, the system of Gvozdanovic would not be used to accurately asses the available bandwidth of a transmission channel using those predefined limits for the simple reason that the limit on the short-term average transmission rate would interfere with the assessment of available bandwidth.

The applicant also notes that the cited reference Vega-Garcia et al., U.S. Patent Application Pub. No. 2003/0016630 does not disclose the limitation quoted above because that reference relies on control and/or dummy packets to assess available bandwidth, and cannot calculate available bandwidth based on receipt of the data packets that will be presented to a user at the receiver.

For each of these reasons, the applicant respectfully requests that the Examiner's respective rejections of claims 23-25 and 27-34 be withdrawn.

The Examiner rejected claims 35-37, 40, and 44 under 35 U.S.C. § 103(a) as being unpatentable over Gvozdanovic et al., U.S. Patent No. 6,660,720 in view of Natarajan et al., U.S. Patent No. 5,742,594. The Examiner rejected claims 39, 41, 42, and 45 under 35 U.S.C. § 103(a) as being unpatentable over respective combinations, each including Gvozdanovic and Natarajan as the primary and secondary references, respectively.

Independent claim 35, as amended, recites the limitation of "estimating the bandwidth of said wireless interconnection based on respective arrival times, at said receiver, of only those packets of said contiguous sequence of data included in said plurality of packets. Thus, as amended, claims 35-37 and 39-45 patentably distinguishes over the cited prior art for the same reasons as does independent claim 23, and the applicant therefore respectfully requests that the rejections of these claims be withdrawn.

In view of the foregoing amendments and remarks, the applicant requests reconsideration and allowance of claims 23-25, 27-31, 33-37, and 39-45.

Respectfully submitted

August 12, 2009
Dated

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